

COPY OF PAPERS  
ORIGINALLY FILED



Corres. and Mail  
**BOX AF**

**EXPEDITED PROCEDURE  
BOX AF  
GROUP ART UNIT 1745  
AMENDMENT AFTER FINAL**

#22(CNE)  
7.17.02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Howard, William G.

Examiner: Crepeau, J.

Serial No.: 09/067,208

Group Art Unit: 1745

Filed: April, 28, 1998

Docket: P-7860.00

Title: CURRENT COLLECTOR FOR LITHIUM ELECTRODE

**DO NOT ENTER  
OK to Enter**

AMENDMENT UNDER 37 CFR §1.116

Assistant Commissioner for Patents  
U.S. Patent and Trademark Office  
Washington, D.C. 20231

Box AF

Dear Sir:

The following is in response to the final Office Action mailed April 26, 2002, having a three-month statutory period for response set to expire on July 26, 2002. The following remarks are respectfully submitted.

Applicant requests entry of this Rule 116 Amendment because it is believed that the amendment places this application into condition for allowance, and should not entail any further search by the Examiner since no new features are being added or new issues being raised.

The terminal disclaimer included in the Amendment filed by Applicant on January 25, 2002 was found to be defective, and therefore claims 1, 3-8, 10, 12, 17 and 95-97 remain rejected under the doctrine of obviousness-type double patenting over U.S. Patent No. 5,439,760 to Howard et al. ("760").

**RECEIVED**  
JUL 11 2002  
TC 1700

A new terminal disclaimer overcoming the rejection of claims 1, 3-8, 10, 12-17 and 95-97 over the '760 patent has been filed concurrently herewith. The new terminal disclaimer includes a recitation that any patent granted on the above-identified application shall be enforceable only for and during such period that said patent is commonly owned with the application(s) or patents(s) which formed the basis for the double patenting rejection and is signed by an attorney of record set forth in the Combined Declaration and Power of Attorney filed April 28, 1998. Accordingly, it is respectfully requested that the rejection be withdrawn.

The pending claims were variously rejected under 35 USC § 103(a) based upon U.S. Patent No. 5,008,165 to Schmode ('165), U.S. Patent No. 4,539,271 to Crabtree ('271), U.S. Patent No. 4,830,940 to Keister et al. (940), U.S. Patent No. 5,439,760 to Howard et al. ('760) and U.S. Patent No. 5,549,717 to Takeuchi et al. ('717).

NO | Reliance on the '760 patent for teaching the claimed invention is erroneous based on the terminal disclaimer filed concurrently herewith. In addition, since the instant claims are entitled to the filing date of the '760 patent, the '717 patent is not applicable because it is antedated by the '760 patent. Furthermore, neither the '165 patent, the '271 patent, or the '940 patent, alone or in combination, teach or suggest the anode current collector being shorter in length than the elongated strip of alkali metal, as set forth in the claims of the present application. Accordingly, there are no teachings of the present invention in the prior art and it is therefore respectfully requested that the rejections be withdrawn.


There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

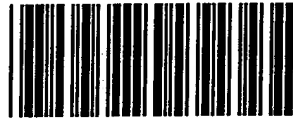
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned attorney to attend to these matters.

Respectfully submitted,

William G. Howard,  
By his attorney,

Date: June 26, 2012

  
Michael C. Soldner, Reg. No. 41,455  
MEDTRONIC, INC.  
(763) 514-4842



27581